

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
IO-13 ACDA-12 CAB-02 COME-00 DOTE-00 EB-08 FAA-00
HA-05 MCT-02 /108 W
-----026411 101218Z /50

R 101133Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0972
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMCONSUL MONTREAL
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14542

E.O. 11652: GDS
TAGS: PGOV BQG ICAO
SUBJECT: SOVIET NOTE ON EXTENSION OF MONTREAL
CONVENTION TO BERLIN

REFS: (A) STATE 184411 (NOTAL); (B) 75 BONN 5441 AND
PREVIOUS (NOTAL); (C) 76 BERLIN 621 AND
PREVIOUS (NOTAL)

1. AT THE AUGUST 9 BONN GROUP MEETING, THE FOLLOWING
TEXT WAS AGREED AD REF FOR A REPLY TO THE SOVIET NOTE
IN REF (A). THE DEPARTMENT WILL NOTE THAT THE AD REF
TEXT IS LARGELY THE SAME AS THE REPLY TO THE SOVIET
PROTEST ON THE EXTENSION OF THE ANTI-HIJACKING CONVEN-
TION OF 1970 (REF B), SINCE THE SOVIET PROTEST IN REF
(A) CONTAINS LARGELY THE SAME TEXT AS THAT IN THE
EARLIER PROTEST.

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2. THE ONLY NEW ELEMENT IN THE PROTEST IN REF (A) IS
THE STATEMENT THAT THE FRG CANNOT CLAIM TO RESOLVE THE
PROBLEM OF ALLIED RIGHTS AND RESPONSIBILITIES. THE US
REP PROPOSED A TEXT WHICH ANSWERED THIS BY SAYING THAT
THE FRG CONFINED ITSELF TO MAKING A MATTER OF PUBLIC
RECORD THE NECESSARY STEPS TAKEN BY THE THREE POWERS.

THIS WAS DROPPED AT FRENCH REQUEST ON THE GROUND THAT A PREVIOUSLY-AGREED TEXT (REF B) WILL CAUSE FEWER DIFFICULTIES IN PARIS AND SINCE, IN ANY EVENT, THE SOVIET ARGUMENT IS ANSWERED IMPLICITLY BY THE FOLLOWING TEXT.

3. BEGIN TEXT

THE DEPARTMENT OF STATE, WITH REFERENCE TO THE COMMUNICATION FROM THE EMBASSY OF THE USSR CIRCULATED UNDER COVER OF ITS NOTE NO. (BLANK) OF JUNE 28, 1978, REGARDING THE APPLICATION IN THE WESTERN SECTORS OF BERLIN OF THE 1971 MONTREAL CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, HAS THE HONOR FOLLOWING CONSULTATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENTS OF FRANCE AND THE UNITED KINGDOM TO STATE THE FOLLOWING ON BEHALF OF ALL THREE GOVERNMENTS.

IN ACCORDANCE WITH ESTABLISHED PROCEDURES WHICH WERE REAFFIRMED IN THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971, THE AUTHORITIES OF THE THREE POWERS, BEFORE AUTHORIZING ITS EXTENSION TO THE WSB, REVIEWED THIS CONVENTION WHICH ENSURES THE PROSECUTION AND PUNISHMENT OF ACTS OF VIOLENCE AGAINST CIVIL AVIATION.

THE AUTHORITIES OF THE THREE POWERS DO NOT ACCEPT
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THE SOVIET ASSERTION THAT CONVENTIONS RELATING TO AIR SERVICE MAY NOT BE EXTENDED TO THE WSB. CONVENTIONS OF THIS NATURE, SUCH AS THE HAGUE CONVENTION OF 1970 FOR THE UNLAWFUL SEIZURE OF AIRCRAFT, HAVE BEEN

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EXTENDED TO BERLIN SUBJECT, WHENEVER REQUIRED, TO
APPROPRIATE ALLIED RESERVATIONS.

AS FAR AS CIVIL AVIATION MATTERS MAY BE CONCERNED,
THE AUTHORITIES OF THE THREE POWERS HAVE TAKEN THE
NECESSARY STEPS TO ENSURE THAT ALLIED RIGHTS AND
RESPONSIBILITIES IN THIS FIELD REMAIN UNAFFECTED.

CONSEQUENTLY, THE VALIDITY OF THE BERLIN
DECLARATION MADE BY THE FRG IN ACCORDANCE WITH THE
ESTABLISHED PROCEDURES IS UNAFFECTED AND THE APPLICATION
TO THE WESTERN SECTORS OF BERLIN OF THE CONVENTION FOR
THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT
CONTINUES IN FULL FORCE AND EFFECT.

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END TEXT

4. WITH REFERENCE TO PARAGRAPH TWO OF REF (A), THE
FRG FOREIGN OFFICE VIEW IS THAT WHILE THE SOVIETS MAY
NOT ADMIT THAT THE MONTREAL CONVENTION WAS LEGALLY
EXTENDED TO BERLIN, THE SOVIETS MAY NONETHELESS
COOPERATE ON A PRACTICAL LEVEL. WE NOTE THAT
IN AT LEAST ONE OTHER CASE, THAT OF THE SPACE OBJECTS
CONVENTION (REF C), THE SOVIETS SAID THAT THEY WOULD
LOOK TO THE ALLIES REGARDING ALL QUESTIONS IN
CONNECTION WITH THE CONVENTION. OTHER THAN THE FORE-
GOING, WE HAVE NO INDICATION AS TO WHAT THE PRACTICAL
IMPLICATIONS OF THE SOVIET POSITION REGARDING THE
MONTREAL CONVENTION WOULD BE. THERE HAS BEEN NO
OCCASION, SO FAR AS WE ARE AWARE, WHERE CIRCUMSTANCES

REQUIRED THE SOVIETS TO TAKE A POSITION INVOLVING
PRACTICAL MEASURES AND WHICH WOULD BE RELEVANT TO THE
DEPARTMENT'S QUESTION.

5. ACTION REQUESTED: APPROVAL OF AD REF TEXT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
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TAGS: PGOV, EAIR, GE, CA, BQG, ICAO
To: STATE
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